



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,804	04/21/2006	Donna Hui-Ing Hwang	GULDE-69	9868

23599 7590 04/06/2010
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

EXAMINER

SOROUGH, LAYLA

ART UNIT	PAPER NUMBER
----------	--------------

1627

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/06/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@mwzb.com

Continuation sheet:

Applicant argues that the Chen et al. reference is nonanalogous art. Examiner respectfully reiterates a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Therefore, the recitation "a climaproof cosmetic complex which comprises..." is interpreted as "a complex which comprises..." The argument that the references relate to an entirely different field of technology, function, classification, and solves a different problem is irrelevant. The claims read on a composition and its intended use does not receive patentable weight. Hence, the argument that "a skilled worker in the cosmetic art would not be concerned or motivated by the tensile strength or tear-resistance of an insulating gel for protective clothing," is not persuasive. The Examiner states it would be obvious to combine a composition useful for contact with the skin in extreme cold weather (Chen) and one that is useful as a thermal adhesive polyester in fabrics (Chung et al.).

With respect to the argument that Example 7 of the specification shows a synergistic effect of better water resistance because it contains both components (i) and (ii) as opposed to Example 9 is not persuasive. The Examiner states Example 7 shows with 30% complex IV, 57.6+ _ 7.3% dye is retained whereas in Example 9 shows with

Art Unit: 1627

30% complex V, 33.6+₋ 12.7% dye is retained. Therefore, it is Examiners position that 50.3% retention vs. 46.3% retention is not unexpected synergy.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Layla Soroush whose telephone number is (571)272-5008. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SREENI PADMANABHAN/

Supervisory Patent Examiner, Art Unit 1627